

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert J. Sweeney et al.	Examiner:	Unknown
Serial No.:	Unknown	Group Art Unit:	Unknown
Filed:	Herewith	Docket:	279.238US2
Title:	DRUG DELIVERY SYSTEM FOR IMPLANTABLE MEDICAL DEVICE		

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Information Disclosure Statement considered.

Pursuant to 37 C.F.R. §1.98(d), copies of some of the listed documents are not provided as these references were previously cited by or submitted to the U.S. Patent Office in connection with Applicants' prior U.S. application, Serial No. 09/740,129, filed on December 18, 2000, which is relied upon for an earlier filing date under 35 U.S.C. §120.

Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

ROBERT J. SWEENEY ET AL.


By their Representatives,

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12-22-03

By



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Date of Deposit: December 22, 2003

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	Application Number	Unknown
	Filing Date	Even Date Herewith
	First Named Inventor	Sweeney, Robert
	Group Art Unit	Unknown
	Examiner Name	Unknown
Sheet 1 of 4	Attorney Docket No: 279.238US2	

US PATENT DOCUMENTS						
Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date if Appropriate
	US-2001/0000802	05/03/2001	Soykan, O. , et al.	623	1.13	12/20/2000
	US-2003/0004403	01/02/2003	Drinan, D. , et al.	600	301	10/29/2001
	US-3,692,027	09/19/1972	Ellinwood Jr.,	128	260	04/23/1971
	US-4,003,379	01/18/1977	Ellinwood Jr.,	128	260	09/24/1975
	US-4,146,029	03/27/1979	Ellinwood Jr., E. H.	128	260	05/31/1977
	US-4,281,664	08/04/1981	Duggan,	128	696	05/14/1997
	US-4,299,220	11/10/1981	Dorman,	128	260	05/03/1979
	US-4,544,371	10/01/1985	Dormandy Jr., , et al.	604	891	10/05/1982
	US-4,556,063	12/03/1985	Thompson, D. L., et al.	128	419 PT	12/07/1984
	US-4,686,987	08/18/1987	Salo, Rodney W., et al.	128	419 PG	03/29/1982
	US-4,871,351	10/03/1989	Feingold, Vladimir	604	66	08/26/1987
	US-4,897,987	02/06/1990	Spalla,	56	16.7	06/16/1989
	US-4,944,299	07/31/1990	Silvian,	128	419 PG	08/08/1989
	US-4,987,897	01/29/1991	Funke,	128	419 PG	09/18/1989
	US-5,040,533	08/20/1991	Fearnot,	128	419 PG	12/29/1989
	US-5,041,107	08/20/1991	Heil Jr., R.	604	891.1	10/06/1989
	US-5,042,497	08/27/1991	Shapland,	600	509	01/30/1990
	US-5,058,581	10/22/1991	Silvian, S.	128	419 PG	02/20/1990
	US-5,087,243	02/11/1992	Avitall,	604	20	06/18/1990
	US-5,127,404	07/07/1992	Wyborny, P. B., et al.	128	419 P	09/25/1991
	US-5,190,035	03/02/1993	Salo, R. W., et al.	128	419	04/17/1986
	US-5,220,917	06/22/1993	Cammilli, L. , et al.	128	419 D	11/16/1990
	US-5,269,301	12/14/1993	Cohen, T. J.	607	6	10/19/1992
	US-5,284,136	02/08/1994	Hauck, John A., et al.	607	24	05/13/1991
	US-5,305,745	04/26/1994	Zacouto, F.	128	637	04/02/1992
	US-5,342,408	08/30/1994	deCoriolis, P. E., et al.	607	32	01/07/1993
	US-5,353,800	10/11/1994	Pohndorf, Peter J., et al.	128	673	12/11/1992
	US-5,368,028	11/29/1994	Palti, Y.	128	635	06/16/1993
	US-5,404,877	04/11/1995	Nolan, , et al.	128	671	05/04/1993
	US-5,416,695	06/15/1995	Stutman, P. S., et al.	364	413.02	03/09/1993
	US-5,456,692	10/10/1995	Smith Jr, R. E., et al.	607	31	09/03/1993
	US-5,460,605	10/24/1995	Tuttle, Ronald R., et al.	604	67	12/07/1993

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Complete if Known

Application Number	Unknown
Filing Date	Even Date Herewith
First Named Inventor	Sweeney, Robert
Group Art Unit	Unknown
Examiner Name	Unknown

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	US-5,496,360	03/05/1996	Hoffmann, D. A., et al.	607	120	04/12/1994
	US-5,499,971	03/19/1996	Shapland, J. E., et al.	604	53	12/14/1993
	US-5,551,953	09/03/1996	Lattin, Gary A., et al.	604	20	10/31/1994
	US-5,556,421	09/17/1996	Prutchi, , et al.	607	036	02/22/1995
	US-5,562,713	10/08/1996	Silvian, S.	607	32	01/18/1995
	US-5,579,876	12/03/1996	Adrian, , et al.	188	322.17	08/25/1995
	US-5,586,556	12/24/1996	Spivey, , et al.	128	697	05/11/1995
	US-5,607,418	03/04/1997	Arzbaecher, R. C.	604	891.1	08/22/1995
	US-5,634,899	06/03/1997	Shapland, J. E., et al.	604	51	01/04/1994
	US-5,662,689	09/02/1997	Elsberry, Dennis , et al.	607	5	09/08/1995
	US-5,690,682	11/25/1997	Buscemi, , et al.	607	3	06/17/1996
	US-5,693,075	12/02/1997	Plicchi, , et al.	607	17	03/04/1996
	US-5,703,125	12/30/1997	Bovy, P. , et al.	128	637	05/31/1995
	US-5,720,770	02/24/1998	Nappholz, , et al.	607	30	10/06/1995
	US-5,730,125	03/24/1998	Prutchi, D. , et al.	128	637	09/11/1996
	US-5,800,498	09/01/1998	Obino, S. F., et al.	607	123	04/26/1996
	US-5,817,131	10/06/1998	Elsberry, D. D., et al.	607	5	03/07/1997
	US-5,833,603	11/10/1998	Kovacs, G.T. , et al.	600	317	03/13/1996
	US-5,836,935	11/17/1998	Ashton, , et al.	604	891.1	01/28/1997
	US-5,893,881	04/13/1999	Elsberry, D. D., et al.	607	5	08/29/1997
	US-5,899,928	05/04/1999	Sholder, Jason A., et al.	607	27	05/06/1997
	US-5,925,066	07/20/1999	Kroll, , et al.	607	3	09/15/1997
	US-5,949,659	09/07/1999	Lesche, Wolfgang	363	16	05/24/1996
	US-5,967,986	10/19/1999	Cimochowski, G. E., et al.	600	454	11/25/1997
	US-5,991,668	11/23/1999	Leinders, R. , et al.	607	125	09/25/1997
	US-6,016,447	01/18/2000	Juran, , et al.	607	27	10/27/1998
	US-6,016,448	01/18/2000	Busacker, , et al.	607	29	10/27/1998
	US-6,115,636	09/05/2000	Ryan, T. G.	607	60	12/22/1998
	US-6,140,740	10/31/2000	Porat, Y. , et al.	310	322	12/30/1997
	US-6,154,675	11/28/2000	Juran, C. J., et al.	607	29	10/27/1998
	US-6,168,801	01/02/2001	Heil, Jr., Ronald W., et al.	424	426	03/19/1999
	US-6,198,394	03/06/2001	Jacobsen, S. C., et al.	340	573.1	12/05/1996
	US-6,200,265	03/13/2001	Walsh, K. K., et al.	600	300	04/16/1999
	US-6,206,914	03/27/2001	Soykan, , et al.	623	1.42	08/31/1998
	US-6,213,942	04/10/2001	Flach, T. E., et al.	600	300	05/20/1999
	US-6,231,516	05/15/2001	Keilman, G. W., et al.	600	485	02/23/1998
	US-6,237,398	05/29/2001	Porat, Y. , et al.	73	54.09	09/29/1998

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Group Art Unit	Unknown
Examiner Name	Unknown

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Attorney Docket No: 279.238US2

	US-6,254,573	07/03/2001	Haim, S. B., et al.	604	157	08/26/1999
	US-6,277,078	08/21/2001	Porat, Y., et al.	600	486	11/19/1999
	US-6,298,272	10/02/2001	Peterfeso, Randall M., et al.	607	120	03/29/1999
	US-6,309,370	10/30/2001	Haim, S. B., et al.	604	66	02/05/1998
	US-6,358,202	03/19/2003	Arent, M.	600	300	01/14/2000
	US-6,361,522	03/26/2002	Scheiner, Avram, et al.	604	67	10/21/1999
	US-6,361,780	03/26/2002	Ley, Gregory R., et al.	424	400	11/12/1998
	US-6,424,847	07/23/2002	Mastrototaro, J. J., et al.	600	316	02/23/2000
	US-6,443,949	09/03/2002	Altman, P. A.	606	41	10/23/1998
	US-6,453,195	09/17/2002	Thompson, David L.	607	3	03/19/2001
	US-6,459,917	10/01/2002	Gowda, A., et al.	600	345	05/22/2000
	US-6,501,983	12/31/2002	Natarajan, A., et al.	600	517	08/06/1999
	US-6,511,477	01/28/2003	Altman, P. A., et al.	606	41	09/28/1999
	US-6,518,245	02/11/2003	Anderson, M. E., et al.	514	14	01/30/1998

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ²
	EP-0054138	10/22/1981	Vogel, H., et al.	C08F	210/02	
	EP-1050265	11/08/2000	Vantassel, R. A., et al.	A61B	5/00	
	WO-97/33513	03/11/1997	Knapp, Terry, et al.	A61B	5/00	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ARNAUD, CLAIRE, et al., "iNOS is a mediator of the heat stress-induced preconditioning against myocardial infarction in vivo in the rat", <u>Cardiovascular Research</u> , 58, (2003), 118-125	
		BRUNNER, FRIEDRICH, et al., "Attenuation of myocardial ischemia/reperfusion injury in mice with myocyte-specific overexpression of endothelial nitric oxide synthase", <u>Cardiovascular Research</u> , 57, (2003), 55-62	
		FERDINANDY, PETER, et al., "Nitric oxide, superoxide, and peroxynitrite in myocardial ischaemia-reperfusion injury and preconditioning", <u>British Journal of Pharmacology</u> , Vol. 138, No. 4, (2003), 532-543	
		FLOGEL, ULRICH, et al., "Myoglobin: A scavenger of bioactive NO", <u>PNAS</u> , Vol. 98, No. 2, (01 16 2001), 735-740	
		GEWALTIG, MICHAEL T., et al., "Vasoprotection by nitric oxide: mechanisms and therapeutic potential", <u>Cardiovascular Research</u> , 55, (02 14 2002), 250-260	
		LI, QIANGHONG, et al., "Gene Therapy With Inducible Nitric Oxide Synthase	

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Sheet 4 of 4

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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

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		Protects Against Myocardial Infarction via a Cyclooxygenase-2-Dependent Mechanism", <u>Circulation Research</u> , 92, (2003),741-748	
		OSTADAL, PETR , et al., "The effect of early treatment by cerivastatin on the serum level of C-reactive protein, interleukin-6, and interleukin-8 in patients with unstable angina and non-Q-wave myocardial infarction", <u>Molecular and Cellular Biochemistry</u> , 246, (2003),45-50	
		PAOLOCCI, NAZARENO , et al., "Positive inotropic and lusitropic effects of HNO/NO- in failing hearts: Independence from beta-adrenergic signaling", <u>PNAS</u> , Vol. 100, No. 9, (April 29, 2003),5537-5542	
		PAOLOCCI, N. , et al., "Positive inotropic and lusitropic effects of HNO/NO- in failing hearts: independence from beta-adrenergic signaling", <u>Proc. Natl. Acad. Sci. USA</u> , 100(9), 2003,4978-80	
		SALLOUM, FADI , et al., "Sildenafil Induces Delayed Preconditioning Through Inducible Nitric Oxide Synthase-Dependent Pathway in Mouse Heart", <u>Circulation Research</u> , 92, (04 04 2003),595-597	
		SUEMATSU, YOSHIHIRO , et al., "L-Arginine given after ischaemic preconditioning can enhance cardioprotection in isolated rat hearts", <u>European Journal of Cardio-thoracic Surgery</u> , 19, (2001),873-879	
		WOLDBAEK, PER R., et al., "Increased cardiac IL-18 mRNA, pro-IL-18 and plasma IL-18 after myocardial infarction in the mouse; a potential role in cardiac dysfunction", <u>Cardiovascular Research</u> , 59, (2003),122-131	
		WOLFRUN, SEBASTIAN , et al., "Acute Reduction of Myocardial Infarct Size By a Hydroxymethyl Glutaryl Coenzyme A Reductase Inhibitor Is Mediated By Endothelial Nitric Oxide Synthase", <u>J. Cardiovas Pharmacol</u> , Vol. 41, No. 3, (March 2003),474-480	
		WUNDERLICH, CARSTEN , et al., "Acute Inhibition of Myoglobin Impairs Contractility and Energy State of iNOS-Overexpressing Hearts", <u>Circulation Research</u> , 92, (2003),1352-1358	

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